

REMARKS

Claims 1-15 are all the claims pending in the application.

The Examiner rejects all of the pending claims under 35 U.S.C. §103(a) as being unpatentable over Ikedo in view of Takahashi.

Applicant respectfully traverses this rejection as follows.

As explained in Applicant's previous Amendment filed November 4, 2003, Applicant's claimed invention provides apparatuses and a method for creating a portrait by combining portrait parts comprising unique combinations of features (claims 1, 5 and 6) and method steps (claim 7), including *inter alia*, inputting edition orders to edit an image of the parts, and a computation unit for deforming (by, for example, moving, rotating, inverting, expanding, and/or compressing) and editing the images of portrait parts in accordance with the orders.

Applicant respectfully submits that contrary to the Examiner's analysis (see Office Action, page 3, lines 12-15), Ikedo does not disclose, teach or suggest inputting editing orders to edit images of portrait parts, as required by Applicant's independent claims 1, 5, 6 and 7.

While the Examiner acknowledges that Ikedo, "is silent about 'edit on the image'" (see Office Action, page 4, line 1), the Examiner alleges that Ikedo discloses "an edition order input unit for inputting edition orders to edit dots and/or lines on said images (column 5, lines 24-29 ...)" (see Office Action, page 3, lines 12-15). However, as explained in great detail in Applicant's November 4, 2003 Amendment, Ikedo's disclosure at col. 5, lines 24-29 has nothing to do with editing of an image of a selected part by, for example, editing the dots and/or lines of

the image, as required by Applicant's claims 1, 5, 6 and 7. That is, Ikedo's "reference style of face" has nothing to do with editing of an image of a portrait part.

Likewise, Ikedo's scaling process (described at col. 17, line 60 through col. 18, line 8, also cited by the Examiner) where "a predetermined number of dots in length and breadth are added to the present plotting area to enlarge the plotting area" (Id. at col. 18, lines 2 and 3), does not in any way teach or suggest editing an image of a portrait part, or inputting an edition order for doing so, as required by Applicant's independent claims 1, 5, 6 and 7.

Takahashi is in the field of digital video signal processing and describes "editing of first and second compressed picture data each having been obtained by prediction-coding" (see Id., Abstract; see also Id., col. 1, lines 16 through col. 4, line 41). Applicant respectfully submits that Takahashi's editing of compressed picture data in digital video signal processing has nothing to do with Ikedo's picture making apparatus for creating a picture for printing by assembling and positioning component parts. In this regard, the Examiner is respectfully requested to explain in detail, with reference to Ikedo's and Takahashi's disclosure examined as a whole, and/or the general knowledge of artisans skilled in the unrelated arts of "picture making" (as described in Ikedo) and "digital signal processing" (as described in Takahashi), the basis for his conclusory statement that:

It would have been obvious to one of ordinary skill in the art at the time of the invention was made, to modify Ikedo invention according to the teaching of Takahashi because it provides a frame of the decoded picture corresponding to a edit point, which are capable of editing and mixing compressed picture to achieve accuracy (Office Action, page 4, lines 4-8).

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In this regard, the Examiner is directed to MPEP 2144.03 which states, *inter alia*, “[i]t is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based” (MPEP 2144.03(E)). See MPEP 2142 (“When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the examiner to explain why the combination of the teachings is proper); see also MPEP 2143.01 (“the prior art must suggest the desirability of the claimed invention,” and “the mere fact that references can be combined or modified does not render the resultant combination obvious unless prior art also suggests the desirability of the combination”).

In summary, Applicant respectfully submits that the combination of Ikedo and Takahashi finds no basis in law or in fact, and requests the Examiner to withdraw the §103 rejection of claims 1-15 accordingly.

In view of the foregoing, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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